

# ***EXHIBIT A***

**LAW OFFICES OF ROBERT I. SEGAL, P.A.**  
**ATTORNEY ID: 010341977**  
 71 North Main Street  
 Medford, NJ 08055  
 (609) 953-1200  
 Attorney for Plaintiff(s)

**DULY SERVED**

DATE 5-9-22  
 John A. Kemmer, Sheriff  
 BY R. S. [Signature]  
 Special Deputy

**BENJAMIN PIERCE AND DEBBIE  
 PIERCE**

**PLAINTIFFS,**

**VS.**

**BJ'S WHOLESALE CLUB, INC. AND  
 JOHN DOES I THROUGH XX  
 DEFENDANTS**

**SUPERIOR COURT OF NEW JERSEY  
 LAW DIVISION  
 BURLINGTON COUNTY**

**DOCKET NO.: BUR-L-745-22**

**CIVIL ACTION**

**SUMMONS**

From The State of New Jersey To The Defendant(s) Named Above: BJ's Wholesale Club

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at [http://www.njcourts.gov/forms/10153\\_deptyclerklawref.pdf](http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf).) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at [http://www.njcourts.gov/forms/10153\\_deptyclerklawref.pdf](http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf).

/s/ MICHELLE M. SMITH

Clerk of the Superior Court

Dated: April 29, 2022

Name of Defendant to Be Served: BJ's Wholesale Club

Address of Defendant to Be Served: 820 Bear Tavern Road

West Trenton, NJ 08628

Agent: C T Corporation System

ATLANTIC COUNTY:

Deputy Clerk of the Superior Court  
1201 Bacharach Blvd.  
Atlantic City, N.J. 08401  
Lawyer referral 609-345-3444 Legal Services 609-348-4200

BERGEN COUNTY:

Clerk, Superior Court  
Justice Center, 10 Main St. Room 115  
Hackensack, NJ 07601-0769  
LAWYER REFERRAL 201-488-0044 LEGAL SERVICES 201-487-2166

BURLINGTON COUNTY:

Deputy Clerk of the Superior Court  
49 Rancocas Road  
Mt. Holly, NJ 08060  
LAWYER REFERRAL 609-261-4862 LEGAL SERVICES 800-496-4570

CAMDEN COUNTY:

Clerk Superior Court, Civil  
101 S. Fifth St, Suite 150  
Camden, NJ 08103  
LAWYER REFERRAL 856-964-4520 LEGAL SERVICES 856-964-2010

CAPE MAY COUNTY:

Central Processing Office  
9 N. Main St.  
Cape May Court House, NJ 08210  
LAWYER REFERRAL 609-463-0313 LEGAL SERVICES 609-465-3001

CUMBERLAND COUNTY:

Clerk Superior Court, Civil Case Management  
P.O. Box 10  
Bridgeton, N.J. 08302  
LAWYER REFERRAL 856-696-5550 LEGAL SERVICES 856-691-0494

MONMOUTH COUNTY:

Deputy Clerk of the Superior Court  
71 Monument Park, P.O. Box 1262  
Freehold, NJ 07728-1262  
Lawyer Referral 732-431-5544 Legal Services 732-866-0020

MORRIS COUNTY:

Clerk Superior Court, Civil Division  
P.O. Box 910, Washington & Court Sts.  
Morristown, NJ 07960-0910  
LAWYER REFERRAL 973-267-5882 LEGAL SERVICES 973-285-6911

OCEAN COUNTY:

Deputy Clerk of the Superior Court  
118 Washington St Rm 121, P.O. Box 2191  
Toms River, NJ 08754  
LAWYER REFERRAL 732-240-3666 LEGAL SERVICES 732-341-2727

PASSAIC COUNTY:

Clerk Superior Court, Civil Division  
77 Hamilton St.  
Paterson, NJ 07505  
LAWYER REFERRAL 973-278-9223 LEGAL SERVICES 973-345-7171

SALEM COUNTY:

Deputy Clerk of the Superior Court  
92 Market Street  
Salem, NJ 08079  
LAWYER REFERRAL 856-935-5629 LEGAL SERVICES 856-451-0003

ESSEX COUNTY:

Deputy Clerk of the Superior Court  
465 Dr. Martin Luther King Jr Blvd, Rm 201  
Newark, NJ 07102  
Lawyer Referral Services 973-622-6204 Legal Services 973-624-4500

GLOUCESTER COUNTY:

Clerk, Superior Court, ATTN: Intake, 1<sup>st</sup> Floor  
1 N. Broad Street  
Woodbury, NJ 08096  
Lawyer Referral 856-848-4589 LEGAL SERVICES 856-848-5360

HUDSON COUNTY

Deputy Clerk of the Superior Court  
583 Newark Ave., 1st Floor  
Jersey City, NJ 07306  
LAWYER REFERRAL 201-798-2727 LEGAL SERVICES 201-792-6363

HUNTERDON COUNTY:

Deputy Clerk of the Superior  
Civil Division, 65 Park Ave.  
Flemington, NJ 08862  
LAWYER REFERRAL 908-735-2611 LEGAL SERVICES 908-782-7979

MERCER COUNTY:

Clerk Superior Court, Local Filing Office  
175 S. Broad St, PO Box 8068  
Trenton, NJ 08650  
LAWYER REFFERAL 609-585-6200 LEGAL SERVICES 609-695-6249

MIDDLESEX COUNTY:

Clerk Superior Court  
56 Paterson St, PO Box 263  
New Brunswick, NJ 08903  
LAWYER REGERAL 732-828-0053 LEGAL SERVICES 732-249-7600

SOMERSET COUNTY:

Clerk Superior Court, Civil  
P.O. Box 3000  
Somerville, NJ 08876  
LAWYER REFERRAL 908-685-2323 LEGAL SERVICES 908-231-0840

SUSSEX COUNTY:

Clerk Superior Court, Judicial Center  
43-47 High Street  
Newton, NJ 07860  
LAWYER REFERRAL 973-267-5882 LEGAL SERVICES 973-383-7400

UNION COUNTY:

Clerk Superior Court, Court House  
2 Broad Street, 1st Fl.  
Elizabeth, NJ 07207  
LAWYER REFERRAL 908-353-4715 LEGAL SERVICES 908-354-4340

WARREN COUNTY:

Clerk Superior Court, Civil  
413 Second Street  
Belvidere, NJ 07823-1500  
LAWYER REFERRAL 973-267-5882 LEGAL SERVICES 908-475-2010

**Robert I. Segal, Esquire**  
**Attorney I.D.: 010341977**  
**W. Robb Graham, Esquire**  
**Attorney I.D.: 034661983**  
**ROBERT I. SEGAL, P.A.**  
**71 North Main Street**  
**Medford, New Jersey 08055**  
**(609) 953-1200**  
**Attorneys for Plaintiff, Benjamin Pierce**

**BENJAMIN PIERCE AND DEBBIE PIERCE**

**Plaintiff,**

**v.**

**BJ'S WHOLESALE CLUB, INC. AND**  
**JOHN DOES I-XX**

**Defendants**

**SUPERIOR COURT OF  
NEW JERSEY**

**LAW DIVISION**

**BURLINGTON COUNTY**

**DOCKET NO.:**

**CIVIL ACTION**

**COMPLAINT, JURY DEMAND,  
CERTIFICATION PURSUANT TO  
RULE 4:5-1, DESIGNATION OF  
TRIAL COUNSEL, DEMAND FOR  
ANSWERS TO UNIFORM  
INTERROGATORIES, DEMAND  
FOR JURY TRIAL, NOTICE  
PURSUANT TO RULE 1:7-1(b) AND  
NOTICE OF OTHER ACTIONS**

The plaintiffs, Benjamin and Debbie Pierce, residing at 615 West Second Avenue, Borough of Palmyra, County of Burlington, State of New Jersey, by way of complaint against the defendants, say:

**FIRST COUNT**

1. On or about April 8, 2021, the plaintiff, Benjamin Pierce, was a guest and/or business invitee lawfully on the premises located at 131 East Kings Highway, Township of Maple Shade, County of Burlington, State of New Jersey.

2. The defendants, BJ's Wholesale Club, Inc. and/or John Does I, were the owners and occupiers and/or possessors of the previously described land/or premises.

3. At the aforesaid time and place, the plaintiff, Benjamin Pierce, was struck by a shopping cart operated by an agent, servant and/or employee of the above noted owners, occupiers and/or possessors. Said employee's actions were inattentive, careless and/or negligent. Said employee was acting within the scope of his/her authority.

5. The defendants were legally responsible for the maintenance and conditions on or about the previously described land and/or premises.

6. The defendants aforesaid were negligent and careless in that they caused and permitted unsafe, dangerous and hazardous conditions and defects to exist on the land and/or premises, failed to warn plaintiff of dangers of which they knew or reasonably should have known, failed to maintain the property in a reasonable and prudent manner, were negligent in the design and construction of the said property, negligently failed to keep the property in good order, failed to detect and/or warn of defective conditions upon the premises, affirmatively created a danger by requesting the plaintiff to act in such a way that the plaintiff would be a victim to the said dangerous conditions, failed to make the property safe within the scope of the invitation to plaintiff and were otherwise negligent and careless all in violation of the duties owed to the plaintiff.

7. Defendants as aforesaid were negligent and careless in the hiring, training and monitoring of their employees and were otherwise inattentive, careless and negligent.

8. As a direct and proximate result of the negligence and carelessness of the defendants aforesaid, the plaintiff suffered severe painful bodily injuries, which injuries necessitated him obtaining medical treatment, caused him great pain and suffering, incapacitated him from pursuing his usual employment and other activities, caused economic loss and caused other permanent disabilities that will in the future similarly incapacitate him, cause him great pain and suffering, require future medical treatment, and cause future economic losses.

9. The aforementioned acts and/or omissions constituted willful, wanton and/or grossly negligent acts or omissions by or on behalf of said party possessors.

**WHEREFORE**, the plaintiff, Benjamin Pierce, demands judgment against the defendants, BJ's Wholesale Club, Inc. and/or John Doe I, for damages, counsel fees, interest and costs of suit.

#### **SECOND COUNT**

1. The plaintiff repeats the allegations of all previous counts of the Complaint in their entirety and incorporates same by reference.

2. The defendants John Doe II through John Doe V are fictitious individuals or entities who were the owners or occupiers of the previously described land and/or premises.

3. The defendants, John Doe II through John Doe V, were legally responsible for the maintenance and conditions on or about the previously described land and/or premises.

4. The defendants, John Doe II through John Doe V, were negligent and careless in that they caused and permitted unsafe, dangerous and hazardous conditions and defects to exist on the land and/or premises.

5. As a direct and proximate result of the negligence and carelessness of the defendants aforesaid, the plaintiff was caused to suffer severe personal injury while lawfully on the land and/or premises.

6. As a direct and proximate result of the negligence and carelessness of the defendants, John Doe II through John Doe V, the plaintiff suffered the injuries and damages complained of herein.

**WHEREFORE**, the plaintiff, Benjamin Pierce, demands judgment against the defendants, John Doe II through John Doe V, for damages, counsel fees, interest and costs of suit.

### **THIRD COUNT**

1. The plaintiff repeats the allegations of all previous counts of the Complaint in their entirety and incorporates same by reference.

2. The defendants John Doe VI through John Doe X inclusive are fictitious individuals or entities who were responsible for the management and maintenance of the previously described land and/or premises.

3. The defendants John Doe VI through John Doe X were negligent and careless in that they caused and permitted unsafe, dangerous and hazardous conditions and defects to exist on the land and/or premises.

4. As a direct and proximate result of the negligence and carelessness of the defendants John Doe VI through John Doe X, the plaintiff was caused to suffer severe personal injury while lawfully on the land and/or premises.

5. As a direct and proximate result of the negligence and carelessness of the defendants, John Doe VI through John Doe X, the plaintiff suffered the injuries and damages complained of herein.

**WHEREFORE**, the plaintiff, Benjamin Pierce, demands judgment against the defendants, John Doe VI through John Doe X, for damages, counsel fees, interest and costs of suit.

### **FOURTH COUNT**

1. The plaintiff repeats the allegations of all previous counts of the Complaint in their entirety and incorporates same by reference.

2. The defendants John Doe XI through John Doe XX, inclusive, are fictitious individuals or entities who were obligated to or responsible for the construction, inspection, maintenance, repair and/or supervision of the previously described land and/or premises.

3. The defendants John Doe XI through John Doe XX, were negligent and careless in that they caused and permitted unsafe, dangerous and hazardous conditions and defects to exist on the land and/or premises.

4. As a direct and proximate result of the negligence and carelessness of the defendants John Doe XI through John Doe XX, inclusive, the plaintiff was caused to suffer severe personal injury while lawfully on the land and/or premises.

5. As a direct and proximate result of the negligence and carelessness of the defendants, John Doe XI through John Doe XX, the plaintiff suffered the injuries and damages complained of herein.

**WHEREFORE**, the plaintiff, Benjamin Pierce, demands judgment against the defendants, BJ's Wholesale Club, Inc. and/or John Doe I through John Doe XX, for damages, counsel fees, interest and costs of suit.

#### **FIFTH COUNT**

1. The plaintiffs, Benjamin Pierce and Debbie Pierce, at all times mentioned herein were married.

2. The plaintiff, Debbie Pierce, repeats the allegations of the proceeding counts of the Complaint in their entirety and incorporates same by reference.



3. As the direct and proximate result of the negligence and carelessness of the defendants aforesaid, the plaintiff, Debbie Pierce, have and will in the future be required to provide extraordinary services and care and have and will be denied the aid, comfort, companionship, society and consortium of plaintiff, Benjamin Pierce.

**WHEREFORE**, the plaintiffs, Benjamin and Debbie Pierce, demand judgment against the defendant, BJ's Wholesale Club, Inc.

**JURY DEMAND**

The plaintiffs, Benjamin and Debbie Pierce, hereby demand a trial by jury as to all issues.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to N.J.S.A. R.4:25-4, W. Robb Graham, Esquire, is hereby designated as trial counsel.

**NOTICE OF OTHER ACTIONS**

ROBERT I. SEGAL, ESQUIRE, of full age, hereby certifies as follows:

1. The matter in controversy is not the subject of any action pending in any Court or of a pending Arbitration proceeding.
2. There are no other known parties who should be joined in the action at this time.
3. Pursuant to R.4:21A-1, you are hereby advised that this matter is appropriate for Mandatory Arbitration.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

**NOTICE PURSUANT TO RULE 1:7-1(b)**

Please take notice that, pursuant to New Jersey Court Rule 1:7-1(b), the plaintiff may suggest to the trier of fact, with respect to any element of damages, that unliquidated damages be calculated on a time unit basis without reference to a specific sum.

ROBERT I. SEGAL, P.A.  
ATTORNEYS FOR PLAINTIFFS

BY:

  
ROBERT I. SEGAL, ESQUIRE

DATED: April 25, 2022

## Civil Case Information Statement

**Case Details: BURLINGTON | Civil Part Docket# L-000745-22**

**Case Caption:** PIERCE BENJAMIN VS BJ'S WHOLESale CLUB, INC.

**Case Initiation Date:** 04/26/2022

**Attorney Name:** ROBERT I SEGAL

**Firm Name:** ROBERT I SEGAL

**Address:** 71 NORTH MAIN STREET

MEDFORD NJ 08055

**Phone:** 6099531200

**Name of Party:** PLAINTIFF : Pierce, Benjamin

**Name of Defendant's Primary Insurance Company**  
(if known): Unknown

**Case Type:** PERSONAL INJURY

**Document Type:** Complaint with Jury Demand

**Jury Demand:** YES - 6 JURORS

**Is this a professional malpractice case?** NO

**Related cases pending:** NO

**If yes, list docket numbers:**

**Do you anticipate adding any parties (arising out of same transaction or occurrence)?** NO

**Are sexual abuse claims alleged by: Benjamin Pierce?** NO

**Are sexual abuse claims alleged by: Debbie Pierce?** NO

**THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE**

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

**Do parties have a current, past, or recurrent relationship?** NO

**If yes, is that relationship:**

**Does the statute governing this case provide for payment of fees by the losing party?** NO

**Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:**

**Do you or your client need any disability accommodations?** NO

**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO

**If yes, for what language:**

**Please check off each applicable category: Putative Class Action?** NO **Title 59?** NO **Consumer Fraud?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

04/26/2022

Dated

/s/ ROBERT I SEGAL

Signed



# ***EXHIBIT B***



John M. McConnell | Partner  
Direct 609.986.1326 | jmccConnell@goldbergsegalla.com

May 17, 2022

***BY REGULAR MAIL***

Robert I. Segal, Esq.  
71 North Main Street  
Medford, NJ 08055

**Re: Pierce v. BJ's Wholesale Club, Inc.**  
**Docket No.: BUR-L-000745-22**  
**GS File No.: 1342.0454**

Dear Mr. Segal,

Please be advised that we represent Defendant named as BJ's Wholesale Club, Inc. in this case. Enclosed please find a Stipulation to Limit Damages. If your client does not sign and return this to me immediately, we will take steps to remove this matter to the Federal Court. Thank you very much.

Sincerely,

s/ John M. McConnell  
John M. McConnell

JMM:ks  
Enclosure

Please send mail to our scanning center at: PO Box 580, Buffalo NY 14201

**John M. McConnell, Esq. [#028152006]**

Goldberg Segalla LLP

Mailing Center: PO Box 580, Buffalo, NY 14201

301 Carnegie Center, Suite 200

Princeton, NJ 08540

609.986.1300

609.986.1301 (fax)

*Attorneys for BJ's Wholesale Club, Inc.*

BENJAMIN PIERCE AND DEBBIE  
PIERCE,

Plaintiff(s),

v.

BJ'S WHOLESALE CLUB, INC. AND  
JOHN DOES 1 THROUGH XX,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
BURLINGTON COUNTY

DOCKET NO.: BUR-L-745-22

**STIPULATION TO LIMIT DAMAGES**

Plaintiffs Benjamin Pierce and Debbie Pierce (hereinafter referred to as "Plaintiffs") and Defendant BJ's Wholesale Club, Inc. hereby understand and agree to the following:

1. Defendant BJ's Wholesale Club, Inc. has the right, pursuant to 28 U.S.C. § 1441 to remove the above captioned matter to Federal Court;
2. Defendant BJ's Wholesale Club, Inc. is willing to forego this right in exchange for the agreement of Plaintiff to limit the damages which Plaintiff is entitled to recover in the above captioned matter, if any; and
3. In reliance upon the express agreement of Plaintiff and Defendant BJ's Wholesale Club, Inc. to the limitation of damages set forth herein, Defendant BJ's Wholesale Club, Inc. will agree not to exercise its right to remove the above captioned matter to the Federal Court.

Therefore, on this \_\_\_\_\_ day of \_\_\_\_\_ 2022, Plaintiffs and Defendant BJ's Wholesale Club, Inc. hereby stipulate and agree that the full amount and/or value of any and all damages (including interest, fees and costs) to which Plaintiffs may be entitled in the above captioned matter shall not exceed seventy-five thousand dollars and zero cents (\$75,000.00).

**LAW OFFICES OF ROBERT I. SEGAL, P.A.    GOLDBERG SEGALLA, LLP**

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**ROBERT I. SEGAL, ESQ.**  
Attorneys for Plaintiffs Benjamin Pierce and  
Debbie Pierce

Date: May \_\_, 2022

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**JOHN M. MCCONNELL, ESQ.**  
Attorneys for Defendant BJ's Wholesale  
Club, Inc.

Date: May \_\_, 2022